

06 APR -3 PM 1:26

TO EASTERN MARSHALL
BY

United States District Court

EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SUMMONS IN A CIVIL ACTION

DATA TREASURY CORPORATION

VS.

CIVIL ACTION NO. 2:06CV72 (DF)
JURY DEMAND

WELLS FARGO & COMPANY ET AL

TO: Defendant, **First Citizens Bancshares, Inc.**, by serving its registered agent for service, Lewis Holding, 239 Fayetteville Street Mall, Raleigh, North Carolina 27601

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFFS' ATTORNEY:

Edward L. von Hohn
Nix, Patterson & Roach, LLP
205 Linda Drive
Daingerfield, Texas 75638
903-645-7333

an answer to the complaint which is herewith served upon you, within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint

Clerk

By Deputy

DAVID L. MALAND, CLERK

Date

MAR 24 2006

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE <u>3/27/06</u>
NAME OF SERVER <u>MONI K. Nix</u>	TITLE <u>Sr. Paralegal</u>

Check one box below to indicate appropriate method of service

 Served personally upon the defendant. Place where served: _____ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

 Returned unexecuted: _____ Other (specify): CMRR 7003 1680 0007 3529 2940

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
--------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 3/29/06

Date

Shawn L. Nix
 Shawn L. Nix
 SR. PARALEGAL
 NIX PATTERSON & ROACH LLP
 205 LINDA DRIVE
 DANGERFIELD, TEXAS 75638
 Address of Server

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

First Citizens Bancshares, Inc
 Lewis Holding
 239 Fayetteville Street Mall
 Raleigh NC 27601

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent Addressee

B. Received by (Printed Name)

Kathy West

C. Date of Delivery

3-27-06D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

Mail Service™

RECEIVED MAIL™ RECEIPT

(If Only No Insurance Coverage Provided)

For more information visit our website at www.usps.com

U.S. POSTAL SERVICE

DAINGERFIELD, TEXAS 75638

Postmark Here

1. Article Addressed to:
 First Citizens Bancshares, Inc
 Lewis Holding
 239 Fayetteville Street Mall
 Raleigh NC 27601

2. Article Number
 (Transfer from service label)

7003 1680 0007 3529 2940

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.4. Restricted Delivery? (Extra Fee) Yes5. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))6. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))7. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))8. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))9. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))10. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))11. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))12. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))13. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))14. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))15. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))16. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))17. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))18. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))19. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))20. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))21. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))22. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))23. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))24. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))25. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))26. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))27. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))28. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))29. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))30. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))31. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))32. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))33. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))34. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))35. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))36. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))37. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))38. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))39. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))40. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))41. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))42. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))43. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))44. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))45. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))46. Postage
 (Fee
 Fee (red)
 Fee (red)
 Fee (red))47. Postage
 (Fee
 Fee (red